

**REMARKS**

Claims 1-6 are pending in the present application, with claim 6 being withdrawn from consideration.

***Claim Amendments***

Claims 1 and 5 are amended to more clearly define the claimed invention. Support for the added language resides at page 5 of the specification, as well as the drawings. No new matter is added by this amendment.

***The Claimed Invention***

Applicants' invention is directed to a topsheet 10 for an absorbent article which comprises a nonwoven fabric having a plurality of heat fusion joints 3 formed by embossing, the fibers constituting the nonwoven fabric protruding in the thickness direction of the nonwoven fabric between the heat fusion joints to form a plurality of protrusions 4a, 4b on both the upper and the lower sides of the nonwoven fabric, and the base of the individual protrusions formed on the lower side having portions 5 projecting in the planar direction of the nonwoven fabric over at least a portion of the adjacent heat fusion joint 3. The Examiner's attention is directed to applicants' Figures 1-3 in this regard.

The presence of the feature "the base of the individual protrusions formed on the lower side projecting laterally in the planar direction of the nonwoven fabric and extending at least partially over an adjacent heat fusion joint" enables desirable advantages to be achieved. More specifically, the topsheet 10 provides a certain space between the lower surface of the topsheet

10 and the upper surface of the absorbent member. Therefore, little liquid, once absorbed by the absorbent member, wets back. In particular, when the topsheet 10 is pressed under a wearer's body pressure while worn, the overhangs of the lower protrusions resist compression to assist the topsheet 10 retain its thickness. This ensures the reduction of wet-back. See page 5, lines 18-24 of the specification in this regard.

The claimed invention is neither disclosed nor suggested by the prior art.

***Rejections under 35 USC 102(b)***

The Examiner maintains the following rejections under 35 USC 102(b) against various of the pending claims:

- Claims 1, 4 and 5 stand rejected under 35 USC 102(b) as being anticipated by Takemae et al U.S. Patent No. 5,122,919.
- Claims 1-5 stand rejected under 35 USC 102(b) as being anticipated by JP '228.
- Claims 1-5 stand rejected under 35 USC 102(b) as being anticipated by EP '271.

These rejections respectfully are traversed.

In response, the cited prior art references fail to teach each and every feature of the claimed invention, in particular the feature where protrusions are provided which have a base which projects in the planar direction of the nonwoven fabric.

The Examiner's attention is directed to the differences between Figure 1 of the '919 reference, Figure 4 of the '271 reference, and Figures 2 and 4 of the '228 reference in relation to applicants' Figures 2 and 3 – it is clear that the cited references fail to disclose the presence of laterally-protruding portion 5 of applicants' Figures 2 and 3.

Not only do the references fail to teach such a limitation, but the cited prior art references fail to teach or suggest any method by which such protrusions could be produced consistent with the method as taught by applicants' specification:

- A web containing 50% by weight or more of self-crimping fiber is preferably used as a lower layer-forming material so as to form lower protrusions (page 10, lines 8-10).
- By embossing the nonwoven fabric from the side of the lower layer-forming material, the self-crimping fibers of the lower layer-forming material which are near the heat fusion joints are preliminary crimped and gathered around the joints.
- In order to effectively conduct such crimping of the self-crimping fiber, the embossing temperature (i.e., the temperature of the embossing member of the apparatus in contact with the lower layer-forming material) should be sufficiently high. Preferably, the embossing temperature is higher than the self-crimping starting temperature of the self-crimping fiber by 5 to 30°C, preferably 5 to 20°C (see page 10, lines 21-28).
- The embossing temperature on one side of the web is set higher than that of the other side (see page 12, lines 17-18).

The references are silent with regard to any method which would result in the claimed invention.

Applicants note the Examiner's statement at page 3 of the Action that the features upon which applicants rely (i.e., the protrusions formed on the lower side having portions which project in a planar direction over at least a portion of the adjacent heat fusion joint or a laterally protruding portion) are not recited in the claims. While applicants believe the claims as originally presented distinguish over the cited prior art, applicants amend claims 1 and 5 in a

manner which is believed to more clearly define over the cited prior art while addressing the point raised by the Examiner.

Given the above-noted deficiencies in the cited prior art references, as well as the above amendments to the claims, the cited references cannot be said to anticipate the claimed invention as asserted by the Examiner.

The rejections under 35 USC 102(b) are thus without basis and should be withdrawn.

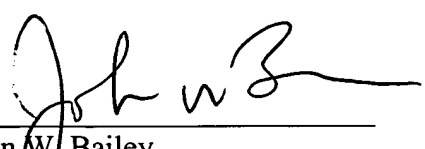
The application is now believed to be in condition for allowance. An early indication of same earnestly is solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: JUN 12 2006

Respectfully submitted,

By

  
John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant